

REMARKS

Claims 67-127 are pending in the application.

Claims 67-126 have been rejected.

Claim 127 has been added. Support for this claim is found, at least, at paragraphs 28 and 32 of the specification. No new matter is added.

Rejection of Claims under 35 U.S.C. § 103(a)

Claims 67-126 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0163593 listing Knightly as the inventor ("Knightly") in view of U.P. Patent Number 6,201,792 issued to Lahat ("Lahat") and in further view of U.S. Patent 7,269,662 issued to Takeuchi et al. ("Takeuchi"). Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. § 103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. § 103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

The Office Action states that Knightly fails to disclose providing a queue for each of a plurality of media access control (MAC) devices to which data is to be transmitted over a network. Office Action, p. 3. In order to address this deficiency in disclosure, the Office Action cites Lahat as purportedly teaching "having output queues for each of the destination devices." *Id.* The Office Action states that it would have been obvious to one of ordinary skill to combine Knightly and Lahat "to ensure all the destination devices are receiving fair weight." *Id.* Applicants respectfully disagree and submit that the proposed combination of Knightly and Lahat is impermissible as a basis for a § 103 rejection.

A reasonable likelihood of success is necessary in order to combine references. *See, e.g.*, MPEP § 2143.02 Applicants respectfully submit that there is no likelihood of successfully combining Knightly and Lahat. As an initial matter, Knightly and Lahat use different and fundamentally incompatible transmission protocols. Knightly discloses using MAC devices on ring networks, which utilize layer 2 packet transport. On the other hand, Lahat discloses using ATM networks, which use layer 1 cell transport. It would be impossible to combine Lahat's ATM output buffers with Knightly's ring network MAC devices.

Further, the references themselves expressly teach away from the combination suggested by the Office Action. Knightly explicitly discloses the unsuitability of circuit based networks such as those of Lahat. *See* Knightly, ¶ 6 (“use of circuits prohibits unused bandwidth from being reclaimed by other flows and results in low utilization.”). Similarly, Lahat discloses the intention of “overcoming the problems that exist in shared media networking technology,” such as that disclosed by Knightly. *See* Lahat 1:37-38.

In addition, Knightly explicitly teaches away from implementing queues for each MAC device. Knightly expresses an objective to “avoid expensive...per-ingress queues on the transit path.” Knightly, ¶ 49. Knightly further states that “the high speed of the transit path and requirements for hardware simplicity prohibit per-ingress queues.” Knightly, ¶ 154. (emphasis added) Instead Knightly discloses using counters to compute the rate of local traffic at each node and distributing this information to all nodes on the ring. *See* Knightly, ¶ 129. In this manner, per destination queuing is imitated using a FIFO rather than actually being provided. *See id.* Thus, Knightly clearly teaches away from implementing queues for each MAC device.

Based at least on the foregoing remarks, Applicants respectfully submit that the proposed combination of Knightly, Lahat, and Takeuchi fails to render Applicants' claims obvious under 35 U.S.C. § 103. Accordingly, Applicants respectfully request the Examiner's reconsideration and withdrawal of these rejections and an indication of allowability of claims 67-126.

New Claim

Applicants have added dependent claim 127. Support for this claim is found, at least, at paragraphs 28 and 32 of the specification. No new matter is added. Claim 127 recites:

The method of claim 67, wherein
the local client is a device or entity that invokes the service interface of a MAC
device, and
the local client is associated with a station in a ring network.

Applicants respectfully submit that claim 127 is novel and non-obvious over the proposed combination of Knightly, Lahat, and Takeuchi. The Office Action states that Knightly and Lahat fail to disclose that a client of the first MAC device indicates a need to change an amount of data being transmitted to the client. Office Action, p. 3. Takeuchi is cited as purportedly supplying this missing disclosure. The cited passage reads:

When the client refers to the state of the reception buffer, the client inspects whether the amount of stream data in the reception buffer becomes a predetermined amount or less and whether an occurrence probability of loss of stream data becomes a predetermined value or higher. If the data amount becomes the predetermined amount or less and the occurrence probability becomes the predetermined value or higher, the client transmits a quality change request to the distribution server. Upon reception of this request, the distribution server thins stream data to be transmitted thereafter in order to change the transmission rate (to lower a frame rate, i.e., time resolution).

Takeuchi 1:34-45 (cited at Office Action, p. 3). Applicants respectfully note that the above passage does not disclose a client of a MAC device, but simply a client. Takeuchi discloses clients that are connected by network to a distribution server, where the distribution server distributes stream data. *See*, Takeuchi 1:21-22. The cited passage fails to make any disclosure whatsoever concerning MAC devices on a ring network. As claim 127 recites, the client of a MAC device is a device or entity that invokes the service interface of a MAC device, and is associated with a station in a ring network. As shown at least in Applicants' FIG. 2, the MAC client is coupled to a MAC device. On the other hand, the cited passage of Takeuchi fails to disclose anything comparable to the claimed client. Takeuchi's client is coupled only to a relay server and a display. *See* Takeuchi,

FIG. 9. Accordingly, Applicants respectfully submit that claim 127 is allowable over the proposed combination and solicit notice to that effect.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5092.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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